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8 *successor by merger to BAC Home Loans*  
9 *Servicing, LP f/k/a Countrywide Home Loans*  
*Servicing LP and Federal National Mortgage*  
*Association*

10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12 FEDERAL NATIONAL MORTGAGE  
ASSOCIATION; BANK OF AMERICA, N.A.  
13 AS SUCCESSOR BY MERGER TO BAC HOME  
LOANS SERVICING, LP FKA  
14 COUNTRYWIDE HOME LOANS SERVICING  
LP,

15 Plaintiffs,

16 vs.

17 COPPER CREEK HOMEOWNER'S  
ASSOCIATION; HAMPTON & HAMPTON  
18 P.C.,

19 Defendants.

Case No.: 2:16-cv-02934-RFB-PAL

STIPULATION AND ORDER OF FINAL  
JUDGMENT CONFIRMING EXISTENCE  
AND VALIDITY OF DEED OF TRUST

20  
21 Plaintiffs Bank of America, N.A. as successor by merger to BAC Home Loans Servicing, LP  
22 f/k/a Countrywide Home Loans Servicing LP (**BANA**) and Federal National Mortgage Association  
23 (**Fannie Mae**), and Defendants Copper Creek Homeowners' Association (**Copper Creek**) and Hampton  
24 & Hampton, P.C. (**Hampton**), through their counsel of record, stipulate as follows:

25 1. This matter relates to real property located 5399 Bradford Pear Drive, Las Vegas, Nevada  
26 89122, APN 161-26-311-173 (the **Property**). The Property is more specifically described as:

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28

1 LOT FIVE HUNDRED EIGHTEEN (518) OF COPPER CREEK UNIT NO. 3 AS  
2 SHOWN BY MAP THEREOF ON FILE IN BOOK 126 OF PLATS, PAGE 82 IN  
3 THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY,  
4 NEVADA, AND AMENDED BY CERTIFICATE OF AMENDMENT  
5 RECORDED OCTOBER 19, 2005, IN BOOK 20051019, AS DOCUMENT NO.  
6 04131.

7 A.P.N.: **161-26-311-173**

8 2. BANA, as loan servicer for Fannie Mae, is the beneficiary of record of a Deed of Trust that  
9 was recorded against the Property on November 30, 2006, as Document Number 20061130-0006621 in  
10 the Official Records of Clark County, Nevada (the **Deed of Trust**).

11 3. On October 3, 2012, Copper Creek recorded a Trustees Deed Upon Sale as Document  
12 Number 201210030000564 of the Official Records of Clark County, Nevada (the **HOA Foreclosure**  
13 **Deed**), reflecting that Copper Creek purchased the Property at a foreclosure sale conducted by Hampton  
14 on Copper Creek's behalf on September 18, 2012 (the **HOA Sale**). Copper Creek has not transferred its  
15 interest in the Property and is still the title holder of record.

16 4. On December 19, 2016, BANA and Fannie Mae initiated a quiet title action against Copper  
17 Creek and Hampton in the United States District Court, District of Nevada, Case No. 2:16-cv-02934-  
18 RFB-PAL (the **Quiet Title Action**).

19 5. The parties have entered a confidential settlement agreement in which they have settled all  
20 claims between them in this case. This stipulation and order applies to the matters addressed in this  
21 particular case only and has no relevance to any other matter.

22 ...

23 ...

24 ...

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28 ...

6. The parties acknowledge that the Deed of Trust survived and was not extinguished in any capacity by the HOA Sale or the recording of the HOA Foreclosure deed. Hampton and Copper Creek take no position regarding the ongoing validity of the Deed of Trust, but they do not dispute BANA and Fannie Mae's entitlement to the Order set forth herein confirming the Deed of Trust remains a valid encumbrance against the Property following the recording of the HOA Foreclosure Deed, or that Copper Creek's interest in the Property is subject to the Deed of Trust.

Dated this 17<sup>th</sup> day of September, 2018.

Dated this 17<sup>th</sup> day of September, 2018.

**AKERMAN LLP**

/s/ Scott R. Lachman

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/s/ Brandon Wood

BRANDON WOOD, ESQ.

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*Attorneys for Hampton & Hampton P.C.*

Dated this 17<sup>th</sup> day of September, 2018.

**LIPSON NEILSON P.C.**

/s/ Amber M. Williams

KALEB D. ANDERSON, ESQ.

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*Attorneys for Copper Creek Homeowners' Association*

**ORDER**

Based on the above stipulation between Plaintiffs Bank of America, N.A. as successor by merger to BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing LP and Federal National Mortgage Association, and Defendants Copper Creek Homeowners' Association and Hampton & Hampton, P.C., the Parties' agreement, and good cause appearing therefore,

IT IS ORDERED that the Deed of Trust recorded in the Official Records of Clark County, Nevada against the real property located at 5399 Bradford Pear Drive, Las Vegas, Nevada 89122, APN 161-26-311-173 (the **Property**) on November 30, 2006, as Document Number 20061130-0006621 was not extinguished, impaired, or otherwise affected by the foreclosure sale of the Property conducted by Hampton on Copper Creek's behalf on September 18, 2012 or the recording of the Trustees Deed Upon Sale in the Official Records of Clark County, Nevada, on October 3, 2012, as Document Number 201210030000564, reflecting that Copper Creek purchased the Property at the foreclosure sale. Copper Creek's interest in the Property is subject to the Deed of Trust.

IT IS FURTHER ORDERED that BANA shall be entitled to record this STIPULATION AND ORDER OF FINAL JUDGMENT CONFIRMING VALIDITY AND EXISTENCE OF DEED OF TRUST in the Official Records of Clark County, Nevada in accordance with the rules of the Recorder's Office.

IT IS FURTHER ORDERED that this order constitutes the final judgment of this Court, resolving all claims in this case with prejudice, each party to bear its own fees and costs.

DATED this 19th day of September, 2018.



RICHARD F. BOULWARE, II  
United States District Court